

The Florida Board of Occupational Therapy Practice

Minutes **DRAFT**
FEBRUARY 25, 2019

**GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL**



James Spafford, Board Chair

MINUTES – DRAFT

**AGENDA
DEPARTMENT OF HEALTH
BOARD OF OCCUPATIONAL THERAPY PRACTICE
GENERAL BUSINESS MEETING
BY TELEPHONE CONFERENCE CALL
FEBRUARY 25, 2019**

BY TELEPHONE CONFERENCE CALL

DIAL-IN NUMBER: 1-888-585-9008

When prompted, enter the following conference room number:
564-341-766, followed by the # sign.

Office Telephone Number: (850) 245-4373

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the Board's website.

The minutes reflect the actual sequence of events rather than the original agenda order.

Call to Order

9:00 a.m. EST - Call to Order - General Business Meeting

Mr. Spafford, Board Chair, called the meeting to order at 9:07 a.m. Those present for all or part of the meeting, included the following:

MEMBERS PRESENT

James F. Spafford, Consumer Member, Chair
Tameka German, OT
Elena Vizvary, OT
Dr. Caylee Banta, OT

STAFF PRESENT

Allen Hall, Executive Director
Anna King, Program Director
Deborah Boutwell, Regulatory Specialist II
Giselle Horton, Regulatory Specialist II

ASSISTANT GENERAL COUNSEL

Eric Fryson, Prosecuting

ASSISTANT ATTORNEY GENERAL

Lynette Norr, Board Counsel

To accommodate individuals wishing to address the Board, the Board Chair may adjust the sequence of the agenda items. The minutes reflect the actual sequence of events rather than the original agenda order.

PRESENTATION

TAB 1. Chuck Willmarth, AOTA Benchmark Presentation

Mr. Willmarth, Associate Chief Officer, Health Policy and State Affairs with the American Occupational Therapy Association presented a new free, professional knowledge and skills

online assessment tools program, named the AOTA Benchmark to the Board. The program is scheduled to launch in April and will be available for AOTA members and non-members. AOTA requested contact hours to be awarded for completing Benchmark activities, to count toward Florida's continuing education requirements.

The Board discussed and agreed the Benchmark continuing education hours were covered under the existing Board Rule 64B11-6.001 Continuing Education Program Approval that includes American Occupational Therapy Association as an approved provider of the Board.

Rule 64B11-6.001(4)(a) Programs meeting the above criteria and offered by the Florida Occupational Therapy Association (FOTA), the American Occupational Therapy Association (AOTA), providers sanctioned by the FOTA or approved by the AOTA, and occupational therapy courses, meeting the above criteria, provided by an education program approved by an accrediting body for occupational therapy shall be approved by this Board for continuing education and shall not pay the fees required in subsection (1) of this rule.

Mr. Willmarth agreed to include the Board members the opportunity to be participants in the testing process of the program.

GENERAL BUSINESS

PROSECUTOR'S REPORT

TAB 2 Eric Fryson, Prosecuting Attorney

Mr. Fryson presented the Prosecutor's Report outlining the status of 22 open/active disciplinary cases.

DOH/PROSECUTOR'S REPORT **BOARD OF OCCUPATIONAL THERAPY MEETING** **Meeting Date February 25, 2019**

TO: Allen Hall, Executive Director
FROM: Eric L. Fryson, Assistant General Counsel
DATE: January 25, 2019
RE: Current Open / Pending Occupational Therapy Cases

Total Cases open/active in PSU:	22
Cases in EAU:	1
Cases under legal review:	15
Cases where PC Recom made:	4
Total Cases where PC has been found:	1
Cases in holding status:	0
Cases pending before DOAH:	0
Cases Agendaed for Board:	0
Cases on Appeal:	0
Year Old Cases:	8

MOTION: Mr. Spafford made a motion to allow PSU to continue to prosecute any cases noted as older than 1 year. The motion was seconded by Ms. Vizvary and carried with a 4/0 vote.

ADMINISTRATIVE PROCEEDINGS

APPLICANT RATIFICATION LISTS

TAB 3 Licensed Occupational Therapists

MOTION: Mr. Spafford moved to approve the ratification list of Occupational Therapists, totaling 208 applicants for licensure. (APPENDIX 1) The motion was seconded by Ms. German and carried with a 4/0 vote.

ACTION TAKEN: 208 names ratified for licensure.

TAB 4 Licensed Occupational Therapy Assistants

MOTION: Mr. Spafford moved to approve the ratification list of Occupational Therapy Assistants, totaling 184 applicants for licensure. (APPENDIX 2) The motion was seconded by Ms. German and carried with a 4/0 vote.

ACTION TAKEN: 184 names ratified for licensure.

TAB 5 Continuing Education Provider Applications

MOTION: Mr. Spafford moved to approve 12 continuing education providers, 5 Prevention of Medical Errors course providers, and 3 Florida Laws and Rules course providers. (APPENDIX 3) The motion was seconded by Ms. Vizvary and carried with a 4/0 vote.

RULES REVIEW AND DEVELOPMENT

TAB 6. Rule 64B11-2.003, F.A.C., Fees; Application

The Division of Medical Quality Assurance is revising the health history questions used by all professions in their licensure applications. The revised health history questions are intended to be less intrusive, and ensure people are not dissuaded from seeking the treatment they need, while still remembering the purpose of licensure is to ensure the health, safety and welfare of the public. It is desirable for all professions to be uniform and use the same questions.

The Board of Medicine and the Board of Osteopathic Medicine gathered information from multiple sources and developed revised questions. On September 14, 2018, these Boards held a conference call and invited all professions to attend and provide input. The Chair attended to represent the Board of Occupational Therapy Practice. The questions were amended based upon input provided at the meeting.

The Board was asked to review the revised application and if acceptable, enter into rulemaking to adopt it. Rule Reference: 64B11-2.003, F.A.C., Fees; Application
A revised licensure application, incorporating these questions, was presented at the October 2018 Board meeting, during which the Board requested more information regarding which Boards have adopted or rejected the revised questions.

Provided for the Boards review is a listing of professions that have reviewed or are currently in the process of reviewing the revised questions.

Professions that have approved the revised questions:

Nursing
Respiratory Care
Electrology
Dietetics and Nutrition
Psychology
School Psychology
Dentistry
Clinical Social Work
Marriage & Family Therapy and Mental Health Counseling
Hearing Aid Specialist
Athletic Training
Acupuncture

Professions that are currently reviewing the questions and are pending a determination:

Physical Therapy
Occupational Therapy
Medicine
Osteopathic Medicine
Massage Therapy
Speech Language Pathology and Audiology
Licensed Midwifery

Professions that have rejected the revised questions:

Chiropractic Medicine – Initially rejected but scheduled for additional discussion.

MOTION: Mr. Spafford moved to approve the proposed rule language and application as presented. The motion was seconded by Dr. Banta and carried with a 4/0 vote.

MOTION: Mr. Spafford moved the proposed rule language would not have an adverse impact on small business. The motion was seconded by Dr. Banta and carried with a 4/0 vote.

MOTION: Mr. Spafford moved the proposed rule language would not have an economic impact on government or any other entity in excess of \$200,000 within one year of the rule being implemented. The motion was seconded by Dr. Banta and carried with a 4/0 vote.

MOTION: Mr. Spafford moved the proposed rule language should not be designated as a minor violation for first time offenses. The motion was seconded by Dr. Banta and carried with a 4/0 vote.

64B11-2.003 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. This application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The application shall be made on "State of Florida Application for Licensure as an Occupational Therapist or Occupational Therapy Assistant," DH-MQA 1152 (**revised 10-17-02/19**), hereby adopted and incorporated by reference, available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-08951>, or <http://www.floridasoccupationaltherapy.gov/applications/app-ot-ota.pdf>, or you may choose to apply through the on-line application located at <http://floridasoccupationaltherapy.gov/licensing/>.

Rulemaking Authority 456.013, 468.221, 468.204 FS. Law Implemented 456.013, 456.0635, 468.209, 468.211, 468.221 FS. History—New 4-28-76, Amended 9-9-85, Formerly 21M-13.07, Amended 6-29-89, Formerly 21M-13.007, 61F6-13.007, 59R-61.007, Amended 1-12-09, 5-19-10, 12-19-12, 10-12-14, 2-1-16, 4-19-16, 7-27-16, 1-24-18.

TAB 7. Rule 64B11-4.001, F.A.C., Use of Prescription Devices

During the October 2018 meeting, the Board reviewed a petition and additional clarifying information submitted by Ms. Liana Valla regarding the ability to use neurofeedback in the practice of Occupational Therapy. After extensive discussion, Ms. Valla withdrew her petition, upon the Board's determination it would look into the possibility of initiating rule development.

Since the Board meeting, Ms. German has met with Ms. Norr, current Board Counsel, as well as former Board Counsel, Ms. McNulty to further discuss this topic.

Presented in the agenda for the Board's review was research provided by Ms. German, Ms. Valla, information previously reviewed by the Board, related state and federal regulations and information from Dr. Siegfried Othmer, Ph.D., Chief Scientist, with the EEG Institute, Los Angeles, CA.

Ms. Valla and Dr. Othmer were present on the call and contributed to discussion.

MOTION: Following discussion, Ms. German made a motion to proceed with rule development for the specific device for neurofeedback. The motion was seconded by Dr. Banta and carried with a 4/0 vote.

At this point in the meeting, Ms. Lynette Norr announced that Ms. Vizvary's appointment to the Board had been retracted by the Governor, along with several other Board member's on other professional boards, as they had not yet been ratified by the Legislature.

RULES STATUS REPORT

TAB 8 Senior Assistant Attorney General, Lynette Norr

- 64B11-2.003, F.A.C., Fees; Application
- 64B11-4.001, F.A.C., Use of Prescription Devices

Ms. Norr provided the Board's Rules Status Report with the following latest rules activity per February 2019 Report:

64B11-2.003, F.A.C., Fees
Date Sent to OFARR: 10/30/2018
Rule Development Published 11/07/18

64B11-4.001, F.A.C., Use of Prescription Devices
Date Sent to OFARR: 10/30/2018
Rule Development Published 11/07/18

NEW BUSINESS

TAB 9 2019 Officer Elections

2019 Officer Elections

MOTION: After discussion, Dr. Banta made a motion to approve the 2019 Officers of the Board, to remain the same in current positions, as noted below. The motion was seconded by Ms. German and carried with a 4/0 vote.

Position	Board Member
Board Chair	Jim Spafford
Board Vice Chair	Dr. Caylee Banta
CE Committee Liaison	Dr. Caylee Banta Tameka German (back-up)
Legislative Liaison	Jim Spafford
Budget Liaison	Jim Spafford
Unlicensed Activity Liaison	Tameka German
Probable Cause Panel	Judith Johnson Dr. Caylee Banta
Healthy Weight Liaison	Dr. Caylee Banta
Pro Bono CE Approval Liaison:	Elena Vizvary

TAB 10 2019 Delegation of Authority

The Delegation of Authority, reviewed and approved annually, facilitates administrative efficiency and documents when individuals or entities have been delegated to act on behalf of a Board/Council. Each Board/Council is invited to review, make changes if necessary, and approve the 2019 delegation.

MOTION: Mr. Spafford made a motion to approve the 2019 Delegation of Authority as presented. The motion was seconded by Ms. German and carried with a 4/0 vote.

TAB 11 2019 Conviction Record Guidelines

The Conviction Record Guidelines, reviewed and approved by the Boards/Councils, are used by staff to assist in determining which licensure applications require individual consideration at the quarterly meetings. Board/Council review of every applicant that reports a conviction of any kind, regardless of when the issue occurred, would be an inefficient process.

Each Board/Council is invited to review, make changes if needed, and approve the 2019 Conviction Record Guidelines.

MOTION: Mr. Spafford made a motion to approve the 2019 Conviction Record Guideline as presented. The motion was seconded by Ms. German and carried with a 4/0 vote.

TAB 12 Proposed 2020 Meeting Dates

The following dates were presented for consideration. These selections have been made in coordination with the other professions in the Medical Therapies/Psychology Board Office to avoid meeting conflicts.

February 24
May 18
August 10
November 9

MOTION: Mr. Spafford moved to approve the proposed 2020 meeting dates as presented. The motion was seconded by Ms. German and carried with a 4/0 vote.

OLD BUSINESS

TAB 13 October 29, 2018 General Business Meeting Minutes

MOTION: Mr. Spafford made a motion to approve the July 30, 2018 minutes as presented. The motion was seconded by Dr. Banta and carried with a 3/0 vote.

REPORTS, IF ANY

TAB 14 Board Chair, Jim Spafford

No report.

- Other Board Members

There were no reports from the Board Chair or other members of the Board.

- TAB 15** **Executive Director**
- **Cash Balance Report**
 - **Expenditures By Function**

These reports were provided for informational purposes.

OTHER BUSINESS AND INFORMATION *(items that do not require Board action)*

TAB 16 **Staff Recognition**

Presented as informational items.

ADJOURNMENT

There being no further business, the meeting adjourned at: 10:46 a.m.

ATTACHMENTS:

APPENDIX 1- Licensed Occupational Therapists Ratification List

APPENDIX 2- Licensed Occupational Therapy Assistants Ratification List

APPENDIX 3- Continuing Education Provider Applications Ratification List